

Attorney Docket No.: RTS-0339  
Inventors: Kenneth W. Dobie  
Serial No.: 10/024,396  
Filing Date: December 18, 2001  
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#### REMARKS

Claims 1, 2, 4-10 and 12-15 are pending in the instant application. Claims 1 and 2 have been rejected. Claims 4-10 and 12-15 have been objected to. Claims 2, 4 and 14 have been canceled. Claims 1, 5, 6, 8 and 10 have been amended. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

#### I. Objection to the Claims

Claims 4-10 and 12-15 have been objected to as being dependent upon a rejected base claim but the Examiner suggests they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claim 1 to include the limitations of claim 4. Claim 14 has been canceled in light of the amendment to claim 1. Withdrawal of this rejection is respectfully requested.

#### II. Rejection of Claims Under 35 U.S.C. 102(a)/103(a)

Claims 1 and 2 have been rejected under 35 U.S.C. 102(a) and 103(a) as being anticipated by or obvious over Velculescu (WO

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00/77214 A2). The Examiner suggests that this reference discloses a single sequence, SEQ ID NO: 584, that possesses 100% identity with residues 350 through 359 of SEQ ID NO: 3 of the instant invention and that absent evidence to the contrary would inhibit expression of CD36L1. Applicant respectfully traverses this rejection.

As discussed *supra*, claim 1 and its dependent claims have been amended to recite antisense compounds that are modified. Support for this amendment to the claims can be found throughout the specification as filed. The patent of Velculescu et al. discloses a single sequence that is reverse complementary to nucleobases 349 through 358 of SEQ ID NO: 3. Nowhere does this patent teach or suggest antisense compounds as now claimed which are modified compounds. Further, it is only with the specification in hand that one of skill would understand which nucleobase region could be successfully targeted with antisense compounds as claimed. Therefore, this reference fails to teach the limitations of the claims. In order to anticipate or make obvious a claim the cited reference must teach each and every limitation of the claims (MPEP 2131 and 2143). Accordingly, this reference fails to either

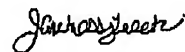
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anticipate or make obvious the claims as amended. Withdrawal of this rejection is respectfully requested.

### III. Conclusion

Applicant believes that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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